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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.A. 618/2022**
MD WAQAR LONE Appellant

Through: Mr. Arif Ali with Mr. Mujahid Ahmad
and Mr. Mohd. Ehatshaam,
Advocates.

versus

NATIONAL INVESTIGATION AGENCY Respondent

Through: Mr. Akshai Malik, SPP with Mr.
Akshay Sehgal and Mr. Khawar
Saleem, Advocates.

CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

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16.05.2024

1. The present appeal has been filed by the appellant seeking the following prayer:-

a) Set aside the order dismissing bail application on 31.10.2022 in Criminal Case arising out of FIR No. RC 05/2021/NIA/DLI dated 05.03.2021 pending before the Court of Ld. Principal District & Sessions Judge, Special Court (NIA) Patiala House District Court New Delhi;

2. Our attention has been drawn towards impugned order dated 31.10.2022, whereby the bail application was rejected. The learned Trial Court, while rejecting the bail application, observed that the detailed reasons for dismissal had already been given in separate order on charge

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supplementing that there were reasonable grounds to believe that the accusation against A-5 (appellant herein) was *prima facie* true.

3. During course of arguments, learned counsel appearing for appellant has relied upon one judgment passed by this Court i.e. *Ammar Abdul Rahiman vs National Investigation Agency*: 2024 SCC OnLine Del 3318 dated 06.05.2024 and states that the case of appellant is also squarely covered as the allegations qua him are rather less serious. He, thus, seeks permission to withdraw the present appeal with liberty to file fresh bail application before the learned Trial Court. Appeal is accordingly dismissed as withdrawn. Liberty as prayed is given.

4. It is made clear that the on filing of the fresh bail application, the learned Trial Court shall consider the same on merits, without being influenced by the impugned order dated 31.10.2022. Learned Trial Court shall decide such bail application expeditiously while giving due opportunity to both the sides.

SURESH KUMAR KAIT, J

MANOJ JAIN, J

MAY 16, 2024/sw